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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

IN RE: ACTOS® (PIOGLITAZONE)  
PRODUCTS LIABILITY LITIGATION

MDL No. 6:11-md-2299

JUDGE DOHERTY

This Document Applies To:

*House v. Takeda Pharmaceuticals*

*North America, Inc., et al*

Civil Action No. 6:12-cv-00744

MAGISTRATE JUDGE HANNA

**RULING**

Magistrate Judge Patrick Hanna filed a Report and Recommendation [Rec. Doc. 258; MDL Rec. Doc. 6567] in the captioned matter on September 27, 2016, in which he recommended that this Court dismiss the claims of plaintiff Henry House without prejudice, due to the plaintiff's failures to comply with orders of the court. For the reasons given below, this Court adopts the Report and Recommendation and dismisses the plaintiff's claims without prejudice.

As set out in the Report and Recommendation, Mr. House is currently unrepresented. While he was still represented, Mr. House's former counsel filed a motion to withdraw [Rec. Doc. 251]. In response, Magistrate Judge Hanna ordered Mr. House and his counsel to appear in court on August 23, 2016 [Rec. Doc. 252]. Mr. House's counsel appeared as ordered, and advised the court that Mr. House had informed her he would not appear on August 23, as indeed he did not, and that he does not have bladder cancer [Rec. Doc. 254]. Magistrate Judge Hanna found the record contains evidence that Mr. House was served with the order to appear on August 23, and that counsel made several unsuccessful attempts to contact Mr. House to discuss the status of his suit. On those bases, Magistrate Judge Hanna granted counsel's motion to withdraw, ordered Mr. House either to file a stipulation of dismissal or to appear personally on September 27, 2016, and

indicated that Mr. House's claim would be dismissed should he fail to comply with that order [Rec. Doc. 255; MDL Rec. Doc. 6536]. This order was delivered by certified mail to the address at which Mr. House had previously received correspondence from the court, however, the record reflects the order was returned as unclaimed [Rec. Doc. 259]. Therefore, the record reflects that (1) Mr. House has knowingly failed to comply with at least one direct order of the court, (2) if the address on file is incorrect, Mr. House has failed to keep his contact information updated, and (3) the court has attempted to contact Mr. House at his last known address. For these reasons, Magistrate Judge Hanna recommended that this Court dismiss Mr. House's claims without prejudice [Rec. Doc. 258; MDL Rec. Doc. 6567].

Considering the facts described above, that the court attempted to serve Mr. House at the address on file, that parties have an ongoing obligation to maintain current contact information with this Court, and that no objections to the Report and Recommendation have been lodged in the time allotted therefor, this Court hereby adopts Magistrate Judge Hanna's Report and Recommendation.

IT IS HEREBY ORDERED the claims of Henry House are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED a copy of this Ruling be served on Mr. House at his last known address, 207 SCR 78-A, Taylorsville, MS 39168, via certified mail, return receipt requested.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 21<sup>st</sup> day of October, 2016.

  
REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE